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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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10/825,575

04/15/2004

Tomi Heinonen

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06/12/2008

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P.O. BOX 80278

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EXAMINER

RAJAN, KAI

ART UNIT

PAPER NUMBER

3736

MAIL DATE

DELIVERY MODE

06/12/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/825,575 | <b>Applicant(s)</b><br>HEINONEN ET AL. |  |
|                              | <b>Examiner</b><br>Kai Rajan         | <b>Art Unit</b><br>3736                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

Examiner acknowledges the response filed February 27, 2008.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1 – 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Nova et al.**

**U.S. PGPub No. 2003/0212311.**

Note to Applicant: Regarding the interpretation of the claims, “configured to” is a recitation of functional language. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

1. A method, comprising:

receiving at a mobile wireless event handling device, a first signal via a first network, from a monitoring device adapted to convey information relating to physiological parameters, the first signal comprising at least a general broadcast emergency signal and including information corresponding to the physiological parameters and an identification of the monitoring device (Paragraphs 0006 – 0011, 0022 – 0029); and

transmitting from the mobile wireless event handling device, a second signal via a second network, the second signal including at least information corresponding to the identification of the monitoring device (Paragraphs 0022 – 0029).

12. A system for handling an event, comprising:

a monitoring device configured to convey information relating to one or more physiological parameters, the monitoring device being further adapted to transmit a signal via a first network, the signal comprising at least a general broadcast emergency signal and including information corresponding at least to an identification of the monitoring device (Paragraphs 0022 – 0029); and

a mobile wireless event handling device configured to receive signals from the monitoring device including information corresponding to the identification of the monitoring device, the mobile wireless event handling device being further adapted to transmit a signal including information corresponding to the identification of the monitoring device via a second network (Paragraphs 0022 – 0029).

24. A physiological monitoring device, comprising:

a monitoring module configured to convey information relating to physiological parameters (Paragraphs 0006 – 0011, 0022 – 0029); and

a transmitter configured to transmit a signal via a first wireless network for receipt by mobile devices, the signal comprising at least a general broadcast emergency signal and including information corresponding at least to an identification of said monitoring module and an event information related to the physiological parameters (Paragraphs 0006 – 0011, 0022 – 0029).

33. A mobile wireless event handling device, comprising:

a receiving module configured to receive signals via a first wireless network, the signals comprising at least a general broadcast emergency signal and including information corresponding to the physiological parameters and an identification of the monitor, the general broadcast emergency signal being adapted for receipt by all mobile devices within communication range of the monitor and being equipped with at least minimal event handling capabilities (Paragraphs 0006 – 0011, 0022 – 0029); and

a transmitting module configured to transmit signals including at least information corresponding to the identification of the monitor via a second network (Paragraphs 0006 – 0011, 0022 – 0029).

39. A program product, comprising machine readable program code for causing a mobile wireless event handling device to perform the following steps:

receiving a first signal in the mobile wireless event handling device from a monitor adapted to convey information related to physiological parameters via a first network, the first signal comprising at least a general broadcast emergency signal and including information corresponding to the physiological parameters and an identification of the monitor, the general broadcast emergency signal being adapted for receipt by all mobile devices within communication range of a source of the first signal and being equipped with at least minimal event handling capabilities (Paragraphs 0006 – 0011, 0022 – 0029); and

transmitting a second signal via a second network, the second signal including at least information corresponding to the identification of the monitor (Paragraphs 0006 – 0011, 0022 – 0029).

### ***Response to Arguments***

Applicant's arguments filed February 27, 2008 have been fully considered but they are not persuasive.

Applicant contends that Nova et al. fails to disclose a mobile wireless event handling device. The Examiner respectfully disagrees.

Nova et al. discloses a system comprising a portable medical device that communicates with a central monitoring station. Nova et al. teaches the central monitoring station comprising a communication interface constructed with communication electronics of a pager or wireless telephone (Nova et al. paragraph 0052). Under the broadest reasonable interpretation of the claims, a wireless phone receiving data from the portable medical device comprises a "mobile

wireless event handling device.” Therefore, the applied prior art is sufficient to reject the claim as currently presented.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kai Rajan whose telephone number is (571)272-3077. The examiner can normally be reached on Monday - Friday 9:00AM to 4:00PM.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kai Rajan/  
Examiner, Art Unit 3736

/Michael C. Astorino/  
Primary Examiner, Art Unit 3736

June 6, 2008